

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRAVIS WAYNE VAVRA,

Defendant.

§
§
§
§
§
§
§
§
§
§

CRIMINAL NO. EP-20-CR-00065-DCG

**GOVERNMENT'S NOTICE OF INTENT TO
OFFER EXPERT TESTIMONY OF DAVID SCHWARTZ**

Comes now the United States of America, by and through its United States Attorney and the undersigned Assistant United States Attorney, and gives notice, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) and Federal Rules of Evidence 702 and 703, of its intent to offer the expert testimony of at the trial in the above-captioned cause.

David Schwarz is a Special Agent (“SA”) and Forensic Examiner (“FE”) with the Federal Bureau of Investigation (“FBI”) and is currently stationed at the El Paso Field Office. The Government intends to offer FBI SA/FE David Schwartz as an expert witness in the field of forensic examination of digital devices.

SA/FE Schwartz’s testimony will largely be fact based as it relates to the forensic extraction of cellular phones received in this case and his review of certain forensic extractions and forensic images on these extractions. He will likewise provide fact-witness testimony about how forensic extraction works and what output it produces.

The Government does, however, anticipate seeking SA/FE Schwartz' expert opinion testimony regarding the meaning of metadata associated with certain images, including images alleged to be child pornography, extracted from cellular phones belonging to the Defendant and other witnesses.

The Government anticipates offering SA/FE Schwartz as an expert in the field of forensic examination of digital devices in conjunction with the publication of examination reports, specific images, and certain types of metadata accompanying those images. As mentioned above SA/FE Schwartz will provide expert opinion testimony relating to the creation date, creation location, and device of creation for certain images, including images alleged to contain child pornography...

SA FE Schwarz will base his opinions on his education, training and experience as summarized in the Curriculum Vitae - a copy of which has been provided to the Defendant - as well as a review of (1) the evidence provided by the Government in discovery to the Defendant, and (2) any additional evidence admitted at trial.

The Government reserves the right to question the expert regarding other matters that may be raised during cross-examination by the defendant, based upon the testimony elicited from the defendant's experts, if any, or other witnesses, or the evidence introduced by the defendant. To the extent the Court allows the defendant the same right, the government reserves the right to elicit any additional testimony that this expert is qualified to provide should the need arise based on further developments in preparing for and during the trial.

Certificate of Service

I hereby certify that on May 26, 2021, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System, which will transmit notification of such filing to the attorneys of record for Defendant.

/s/

SARAH VALENZUELA
Assistant United States Attorney